Manitoba

Annual Report 1986 - 87

Manitoba Police Commission

Manitoba

The Attorney General

Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable George Johnson
Lieutenant-Governor of Manitoba

Your Honour:

It is my pleasure to present the 1986-87 Annual Report of the Manitoba Police Commission. This report details the Commission's accomplishments and activities for a 15-month period, from January 1, 1986 to March 31, 1987.

I trust this meets with your approval.

Respectfully submitted,

Roland Penner

Roland Penner, Q.C.
Attorney-General for the
Province of Manitoba

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The Honourable Roland Penner, Q.C.
Attorney General for the Province of Manitoba
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Sir:

The undersigned, pursuant to Section 22(7) of the Provincial Police Act, has the honour to present the Manitoba Police Commission Annual Report for the period January 1, 1986 to March 31, 1987.

Susan Devine
Chairperson

Working Together To Prevent Crime

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Introduction

The Role of the Commission

The Manitoba Police Commission is instituted under the Provincial Police Act (Chapter P150 of the Legislative Assembly of Manitoba) which gives it a broad mandate "to promote the prevention of crime, efficiency of police services and police community relations in the Province", also listing the means by which these objectives may be attained.

The Commission has other functions under the Act:

(a) As directed by the Lieutenant Governor in Council, to inquire into and report upon any matter relating to:

  (i) the causes, extent, investigation or control of crime; or

  (ii) the enforcement of law.

(b) Where a complaint is made to a local police commission on the conduct of a member of a police force, or any matter relating to the maintenance and operation of a police force,

  (i) to direct that commission to inquire into and make a determination of the complaint; and

  (ii) hear an appeal from any person aggrieved by the order or determination of the local commission.

The Commission also acts as an appeal body under the Law Enforcement Review Act. Where the Commissioner of the Law Enforcement Review Agency declines to take further action on a complaint of disciplinary default committed by a member of a police department, on the grounds it is frivolous or vexatious, or does not fall within the scope of Section 29 of the Act, the complainant may apply to the Police Commission to have the complaint referred to the Law Enforcement Review Board for a hearing.

Commission Membership

Under the provisions of Section 22(1) of the Provincial Police Act, the Commission is composed of not less than five persons appointed by the Lieutenant Governor in Council. Sharon Sawatzky resigned as of August 18, 1986. As of the date of this report, the members of the Commission are:

Susan Devine, Chairperson
Arne Peltz, Vice-Chairperson
Dr. Ken Hanley, Member
Jim Sinclair, Member
Laurie Allen, Member
John Jack, Member

Commission Staff

In January 1987 the Commission, with the approval of the Attorney General, hired an Acting Executive Director and a Research Assistant. These positions are expected to be filled on a permanent basis early in the fiscal year.

Acting Executive Director — A.T. (Sandy) McHaffie
Crime Prevention Coordinator — Lorne Gregorash
Administrative Secretary — Michele Dupuis
Research Assistant — Barbara Hendrickson

Commission Activities

Program

To more effectively carry out its mandate, the Commission has consolidated its duties into the following program:

1. To assist in improving police effectiveness and efficiency through maintaining communication, receiving and reviewing reports on municipal policing, and providing advice, guidance and information on all policy matters relating to police and policing, and on crime prevention, to municipal police authorities throughout the Province;
2. To assist in maintaining and improving quality municipal police services by promoting mutual awareness, understanding and support between police and the communities they serve;
3. To assist in maintaining and improving external and internal police effectiveness and credibility through hearing appeals from decisions on public complaints and departmental discipline.

The Commission has also determined strategies by which to fulfill the program.

Police Commission Role Study

In February 1986, Professor R. Linden of the University of Manitoba completed and submitted his Assessment of the Role of the Manitoba Police Commission. The report examined the roles of police commissions and equivalents, compared these with the duties the Manitoba Police Commission was able to carry out under severe resource restraint, and concluded, ". . . Even if we include the activities of the Law Enforcement Services Division, municipal police in Manitoba receive less regulation, control and guidance than in almost any other province in Canada. . .". This less than satisfactory state of affairs has been due to lack of resources, and it is gratifying to report the Commission has lately been able to make progress with its mandate through the two staff members mentioned above. When these positions are made permanent, further policy development and other action in relation to policing may be anticipated. Professor Linden presented a set of Recommendations, shown at Appendix "A".

Commission Meetings

The Commission met on some 24 occasions during the period of this Report, either in full committee, in subcommittee or other session, to attend to a variety of regular business items, hear appeals or deal with special projects. One appeal and several meetings were held outside Winnipeg (as mandated in the Act), when discussions on policing were held with local police authorities.

Conferences

11th Annual Symposium of Provincial Police Commissions Victoria, B.C., September 23-26, 1986

The Chairperson, Susan Devine, and Commission Members, Laurie Allen and John Jack attended the Symposium on behalf of the Commission which was attended by representatives from eight of the ten Provinces.

Major presentations were made by Inspector A.J. Gramolini of the Royal Canadian Mounted Police on the new R.C.M.P. Police Act, Public Complaints Commission and procedures for handling public complaints. This theme was one of the major themes of the Symposium which was also addressed by Mr. Claire Lewis, Q.C., Public Complaints Commissioner of Metropolitan Toronto, who gave a presentation on the functioning of the Public Complaints Commission in the City of Toronto. In light of these topics, there was considerable interest expressed in the functioning of the Manitoba Law Enforcement Review Act and available statistical data at the end of L.E.R.A.'s first year of operation.

Other issues canvassed at the Symposium included discussion of recruiting and auditing standards and discussion of equipment testing in various jurisdictions.

Sexual Assault Investigation Guidelines

Sexual assaults are an area of growing social concern and as a result of representations, the Commission is developing guidelines for police department personnel to follow in the investigation of these offences. The Proposed Objectives of the guidelines are:

a) To increase the reporting of sexual assault offences.

b) To increase the apprehension of assailants.

c) To ensure the successful prosecution of a maximum percentage of sexual assault cases.

d) To minimize the trauma for sexual assault complainants throughout the investigative process.

e) To enhance the confidence of the public in general and of sexual assault complainants in particular in the police handling of sexual assault cases.

f) To provide for a coordinated approach in the handling of sexual assault cases by the police and by community sponsored victim assistance programs.

High Speed Police Pursuit Guidelines

As elsewhere, high speed pursuits by the police in Manitoba often result in serious consequences to the public, and to the police themselves. The Commission took this matter under advisement, and prepared a Paper covering the major issues of concern. This Paper was circulated to police departments, interest groups, the media and through Public Notices, to citizens for their views. Responses are being assessed, after which the Commission will develop guidelines for police departments, with the objective of reducing the harmful consequences of pursuits.

Police Firearms and Equipment

Section 24(n) of the Provincial Police Act authorizes the Commission, subject to approval of the Attorney General, to prescribe, regulate or prohibit the use of any equipment by a police force or its members. The Commission has undertaken a study of equipment used by Manitoba police forces, and is currently reviewing the results with a view to ensuring all departments use prescribed items, particularly firearms and ammunition.

Police and The Public Posters

To enhance relations between the police and all segments of society, encourage public support for the police and ensure the public is aware of the channels of complaint, the Commission is having a series of posters developed for distribution where there are municipal police departments. The posters will touch on the Manitoba scene, so the public can relate effectively to them.

Appeals

(a) Public Complaints Against the Police

1. Following a disturbance on a city street, three police officers were involved in the arrest of the complainant at her father's home. Her complaint to the Law Enforcement Review Agency was that the arrest was unnecessary, she was roughly and rudely handled, assaulted and shoved about in the cruiser car, searched in a sexually intrusive fashion at the police station, and further assaulted when she reacted with force against the allegedly improper search.

   The Commissioner of the Law Enforcement Review Agency investigated and concluded the personal search was not of the nature described (it was a routine search) and that only one of the assault complaints was justified. He dismissed the remainder of the complaint under Section 13(1) of the Law Enforcement Review Act (frivolous, vexatious, or not a disciplinary default under the Act). The complainant appealed to the Manitoba Police Commission which found there was some evidence to substantiate the allegations, and ordered the complaint be referred for a full hearing of the Law Enforcement Review Board.

   The Commission expressed concern over an arrest without warrant for a common assault, the manner in which the complainant was taken into custody and the degree of force used to control her subsequently.

   Commenting on the phrase "frivolous or vexatious" in their decision, the Commission noted:

   > "In general, the courts have found the term frivolous and vexatious to mean trivial, lacking in bona fides, unreasonable, embarrassing or lacking in practical results. Jurisdiction to strike out claims on this ground is exercised sparingly. A case generally must be found to be devoid of all merit or abusive of the process of the court. We accept that these principles should apply under the Law Enforcement Review Act. Measured on that basis, the complainant's case is entitled to proceed."

   The Commission noted an informal resolution was still possible in the case, and urged counsel for both sides to hold discussions for that purpose.

2. After making an illegal left turn, the complainant was stopped by a police officer who asked for her driver's licence. Receiving another call, he took her wallet to the police car then returned it to her. When she remonstrated with him on this procedure, he allegedly made a sexist remark to her. The Commissioner of the Law Enforcement Review Agency investigated, and found sufficient doubt about the alleged remark that he dismissed the complaint under Section 13(1) of the Law Enforcement Review Act. (He found that retention of the wallet was contrary to policy, but was not an offence under the Act.) On appeal, the Commission disagreed and ruled the alleged remark could fall within the definition of "being discourteous or uncivil" under Section 29(a)(iv) of the Act, hence this was a determination of fact which should be heard by the Law Enforcement Review Board.

(b) Internal Discipline

1. A complainant alleged he was assaulted by a member of a police department, investigating a disturbance. The local police commission heard the case and dismissed the complaint, ordering no charges be laid against the officers. The complainant appealed the dismissal to the Manitoba Police Commission which, noting it was not presented with medical evidence or evidence of other witnesses, in an oral decision upheld the decision of the local commission.

2. A citizen complained that a police officer who stopped her while driving on a city street around 2:00 a.m. made sexually suggestive remarks to her and put a hand on her chin to make her look at him. The officer stated he stopped her vehicle for a cracked windshield and other defects, and turned her head so he could look more closely at a welt on her neck.

   When she went (as directed) to the police vehicle, the conversation was of a trivial nature, and no charges were laid. The complainant agreed she was given a form of verbal warning for the windshield but no mention was made of a bald tire, failure to produce an operator's licence, or a carton of empty beer bottles in her vehicle. The officer did not follow department procedures for stopping vehicles and made no notes of the incident.

   The Chief of Police suspended the officer without pay, the local police commission confirmed this suspension, and a charge of sexual assault was laid against the officer. (The suspension was later reversed by an arbitrator and the officer pleaded guilty to a reduced charge of common assault.)

   In accordance with the terms of the Collective Agreement, the officer requested payment of legal fees, which the local commission rejected on the grounds that he had pleaded guilty to a charge of common assault. The officer appealed this decision to the Manitoba Police Commission.

   The Commission rejected arguments it had no jurisdiction in the case, finding the decision not to pay for legal services was an "order or determination" of the local commission under Section 24(6) of the Provincial Police Act. The Commission found the officer was at the relative time engaged in the performance of his duties as an employee and accordingly the local commission was ordered to pay the officer's legal fees for the criminal charge.

   The Commission's decision is currently the subject of a judicial review in the Court of Queen's Bench.

(c) General

In a number of the complaints received, the Commission decided it had no primary jurisdiction. These allegations ranged widely, from arrest without reasonable and probable cause, through wrongful dismissal from a police department, to inadequate police response. In each case, the complainant was directed to the agency or other body which would receive and investigate the complaint, normally, the Law Enforcement Review Agency, or a local police authority.

Two complaints were received against R.C.M.Police members, who do not fall under the jurisdiction of the Commission or the Law Enforcement Review Agency. These were referred to the Assistant Deputy Minister, Criminal Justice, to pursue with R.C.M.Police authorities.

Several appeals to the Commission, from decisions of the Law Enforcement Review Commissioner, were abandoned, often late in the process. Generally, appellants did not give reasons for their decisions, and the cases will not be detailed here.

Police Training and Education

Canadian Police College

The Commission continued to coordinate the allotment of positions for courses at the Canadian Police College, Ottawa, Ontario. Attendance at a wide variety of courses shows the interest of police departments in upgrading the skills and knowledge of their officers. In all, 63 police officers from Manitoba attended the courses shown at Appendix "B". This number included 55 from Winnipeg, 7 from Brandon, and 1 from East St. Paul.

Training of Native Constables

At the request of the Department of Indian and Northern Affairs Canada, Law Enforcement Services coordinated two training courses for native constables at St. Benedict's Educational Centre just north of Winnipeg. The first course was of two weeks duration from October 19th to 30th, 1986, designed to provide constables with a basic understanding of the law, including the Criminal Code, Federal and Provincial Statutes, investigational techiques and methods, and some practical exercises in carrying out their responsibilities. Seventeen Band Constables and five Community Constables successfully completed this training program.

The second course was held from January 5th to 16th, 1987, and marked the first occasion an advanced level of training has been offered to native constables. The syllabus included an introduction to the Criminal Code, The Highway Traffic Act, The Liquor Control Act, The Snowmobile Act, The Canada Shipping Act and Boating Safety, The Young Offenders Act, Indian Act by-law enforcement, Emergency First Aid including patient-care principles and accident scenes, officer survival and domestic crisis intervention, family violence including child and spousal abuse, an overview of the criminal justice system, courtroom conduct, objectives and techniques of defence counsel, an eight-hour CPR course, drugs and drug identification, and crime prevention. Candidates ranged in experience from six months to ten years and their response to the subjects offered was most enthusiastic. Six members of the Dakota Ojibway Tribal Council Police Department, eight Band Constables, and four Community Constables successfully completed this course.

R.C.M.P. members were utilized as resource personnel for the majority of topics; other lecturers included Mr. Phil Knight of Community Legal Education Association, Chief Provincial Judge Harold Gyles, Mr. Murray Sinclair, LLB, and Mr. George de Moissac, Crown Attorney. The services of a local firm, R-Tec Associates, were retained to provide the courses in emergency first aid and CPR.

Information Services

Library

The Commission maintains a small library, stocked with publications on police training, security, crime prevention, and law enforcement in general. Many law enforcement periodicals are catalogued and available to police officers, students and the public. Specific articles on the administration of justice are filed for information and research purposes.

Crime Prevention Publications

The Commission stocks a variety of pamphlets and booklets on a number of crime prevention programs which are made available to the public, businesses, law enforcement agencies and other interested groups:

Protection for Senior Citizens
Woman Alone
Business Security
Fraudulent Cheque Protection
Auto Theft Protection
Operation Provident
Operation Identification
Tips to Stop Shoplifting
Manitoba Committee on Wife Abuse
Crime Prevention Guide
Officer Ollie coloring books
Don't Run Away
Officer Ollie Explains the Facts

The newest booklet, Officer Ollie Explains the Facts, was published in the spring of 1985 and made available for use by police in schools. The booklet covers the subject of alcohol and drug abuse and is intended for older elementary and junior high students.

Crime Prevention and Police-Community Relations

Crime Prevention Committee

The Crime Prevention Committee is a body with representatives from the R.C.M.P., Winnipeg Police Department, Brandon City Police, Manitoba Police Commission, Canadian Armed Forces Military Police, Government Security Services, 7-Eleven Food Stores, East St. Paul Police Department, D.O.T.C. Police and the Canadian Pacific Railway Police. This Committee, which was established in 1976, works to coordinate the exchange of crime prevention information and materials amongst law enforcement agencies and the public in Manitoba.

To facilitate this exchange and to promote the concept of crime prevention, the Committee holds regional meetings throughout the Province each year.

A total of eight such seminars were held during 1986. Four of these seminars were in the City of Winnipeg, the remainder were outside the City (Brandon, Carman and The Pas). Issues addressed at these meetings include most major crime prevention programs, police-public relations, victim services, citizens' crime prevention groups, seatbelt and child restraint legislation, and other relevant programs.

In addition to this, the Core Committee members met on eight occasions to plan regional meetings and to discuss matters of mutual concern.

Crime Prevention Presentations and Displays

School Program

The Commission's Crime Prevention Coordinator was booked for school presentations in 51 different schools throughout the Province. The Officer Ollie public relations police mascot gave presentations to approximately 16,265 students in total.

The safety and crime prevention program involving Officer Ollie has now completed five years of operation and in that time has performed for approximately 80,000 children. It has proven to be very popular in the schools and is well used by local police departments as a police-community relations tool.

Special Presentations

During his travels around the Province, the Crime Prevention Coordinator has also given presentations to many adult groups.

These individuals include farmers, business persons, home owners, senior citizens, Block Parents and many special groups.

Crime Prevention Trailer

The Commission's mobile crime prevention display, a 28-foot trailer, was booked steadily from June through to the end of September. The trailer operated for a total of 35 days in locations throughout Manitoba and during this time, approximately 15,060 people went through the display. This is an average of 430 people per day.

The Crime Prevention Coordinator spent a total of 18 days working in display booths set up either by Winnipeg City Police or R.C.M.P. members throughout the Province. These displays were in malls which could not accommodate the trailer. One of these display areas was the Red River Exhibition which ran for ten days. Total attendance at the Red River Exhibition during this time was approximately 400,000 people. The number of people attending the display itself is not known, however, it is believed that approximately 14,000 to 20,000 people saw and wandered by the crime prevention display. Some of the other display areas were small malls and the number of people attending these displays is not known but is believed to be in the hundreds.

Special Traffic Committee

The Manitoba Police Commission is represented on a Special Traffic Safety Committee established by The Hon. John Bucklaschuk, Minister responsible for the Manitoba Public Insurance Corporation, and The Hon. John Plohman, Minister of Highways. The function of the Traffic Safety Committee is to consolidate information about traffic safety programs presently being addressed for the purpose of advising the Ministers. The terms of reference are as follows:

1) to provide timely information and advice to the Ministers in connection with all aspects of highway safety, pedestrian safety, and the correct management of all vehicular traffic in the Province of Manitoba;

2) to make inquiries, receive representation from interested parties and identify opportunities so as to recommend any necessary changes to the Ministers.

Approximately 12 Committee meetings and 3 Subcommittee meetings have been held with a number of matters being discussed. At this time, the Committee has chosen the following as priorities for the coming year: seatbelt and child safety legislation, corridor safety, bicycle safety and drinking and driving. An important program was undertaken by the Traffic Committee this year regarding a study and alert program of seatbelt usage in the Province of Manitoba which proved to be very successful. A similar program will be undertaken for 1987.

Safe Grad Committee

The Commission is also represented on the Safe Grad Committee. The function of the Safe Grad Committee is to eliminate accidents, death and misfortune by promoting safe practices among young persons so as not to experience difficulty with alcohol and drugs. The no-alcohol party is considered to be the viable alternative. Approximately eight Safe Grad meetings have been held and two Safe Grad seminars, one in Winnipeg and one in Brandon, with a total attendance of approximately 500 students from throughout the Province of Manitoba.

Summer Student Program

The Commission employed two summer students through the Government Student Temporary Employment Program (S.T.E.P.) for periods of 14 weeks during the summer of 1986. Both students travelled with the Crime Prevention Coordinator, assisting with displays at fairs, exhibitions and other events.

Both students were greatly appreciated and were a great asset to the overall display program.

The students get an opportunity to take a short training session prior to starting with the Coordinator, by working along with the Winnipeg City Police for approximately two weeks in their Crime Prevention Unit.

Operation Provident

The Commission continued to be the central registry for businesses joining the Operation Provident property identification program. There were 736 provident numbers assigned during 1986.

Since the program began in 1979, the Commission has issued 5757 Provident numbers.

Appendices

Appendices "C", "D" and "E" list cities and towns in Manitoba where municipal policing is in place, either through contract with the R.C.M. Police, or as a local municipal department. Only those in "E" fall within the scope of the Commission, however.

Appendices "F" and "G" show locations where Native Police Forces or Community Constables are in place. Training has been provided for a number of these officers, as recorded elsewhere in this Report.

Appendix "A"

Summary of Recommendations from Linden Report

It is recommended that the Manitoba Police Commission:

a) Establish province-wide training courses for municipal police. This would include recruit training and recurrent in-service training.

b) Set minimum criteria for education, intelligence, physical condition and personal suitability for police recruits.

c) Ensure that post-selection screening is carried out on police recruits during a probationary period.

d) Assist small departments in running promotional boards and selection boards for police chiefs. Minimum levels of qualification should be set for promotion.

e) Improve coordination of programs sponsored by the Canadian Police College.

f) Establish an audit and standards capability under the responsibility of Law Enforcement Services.

g) Assume responsibility for the development and coordination of crime prevention programs in the Province.

h) Develop regulations concerning equipment used by municipal police in Manitoba.

i) Establish mechanisms for disseminating research results to the Manitoba police community.

j) Carry out an evaluation of the Provincial Police Act.

k) Conduct a review of law enforcement activities in Manitoba.

Appendix "B"

Canadian Police College

Courses attended by Manitoba police officers 1986 and 1987

Adaptive Organization Workshop
Commanders-Hostage/Barricaded Persons
Computer Crime Investigative Techniques
Computer Technology for Police Managers
Community Problem Analysis and Program Management
Counterfeit Investigative Techniques
Crisis and Conflict Intervention
Drug Investigative Techniques
Executive Development
Financial Management Workshop
Fitness Leadership
Gambling Investigative Techniques
Henry Fingerprint Classification Course
Identification Methods and Techniques
Identification Methods and Techniques (Advanced)
Instructional Techniques
Intelligence Analysis
Major Crime Investigative Techniques
Media Communications
Microtechnology Familiarization
Multi Cultural Trainers'
Negotiators-Hostage/Barricaded Persons
Perspectives in Police Management
Police Explosives Technicians
Police Explosives Technicians Validation
Police Labour Relations
Polygraph Examiners
Radiography
Senior Police Administration
Systems Approach to Training Design and Delivery
Technical Traffic Accident Investigation
Vehicle Theft (Advanced) Investigative Techniques

Appendix "C"

Royal Canadian Mounted Police Municipal Policing Contracts

Beausejour (Town of)
Boissevain (Town of)
Carman (Town of)
Dauphin (Town of)
Flin Flon (City of)
Gillam (L.G.D. of)
Gimli (Town of)
Killarney (Town of)
Leaf Rapids (L.G.D. of)
Lynn Lake (L.G.D. of)
Minnedosa (Town of)
Neepawa (Town of)
Pinawa (L.G.D. of)
Portage la Prairie (Town of)
Roblin (Town of)
Russell (Town of)
Selkirk (Town of)
Souris (Town of)
Steinbach (Town of)
Stonewall (Town of)
Sundance (Manitoba Hydro Limestone Project)
Swan River (Town of)
The Pas (Town of)
Thompson (City of)
Virden (Town of)

Appendix "D"

Royal Canadian Mounted Police Extension Contracts

Arborg (Village of)
Birtle (Town of)
Carberry (Town of)
Emerson (Town of)
Gladstone (Town of)
Grandview (Town of)
Lac du Bonnet (Village of)
MacGregor (Village of)
Manitou (Village of)
Melita (Town of)
Morris (Town of)
Niverville (Village of)
Pilot Mound (Village of)
Pine Falls (Townsite of)
St. Pierre (Village of)
Ste. Rose du Lac (Village of)
Shoal Lake (Village of)
Snow Lake (L.G.D. Of)
Teulon (Village of)
Winnipegosis (Village of)

Appendix "E"

Municipal Policing

Altona (Town of)
Brandon (City of)
Cornwallis (R.M. of)
Deloraine (Town of)
East St. Paul (R.M. of)
Gilbert Plains (Village of)
Lac du Bonnet (R.M. of)
Morden (Town of)
Rivers (Town of)
Ste-Anne (Village of)
Victoria Beach (R.M. of)
Winkler (Town of)

City of Winnipeg

District 1 Inner-City
Winnipeg West

District 2 St. James Assiniboia

District 3 North Winnipeg
West - Old Kildonan

District 4 East - North Kildonan
Transcona

District 5 St. Boniface
St. Vital

District 6 South Winnipeg
Fort Garry
Charleswood
Tuxedo

Appendix "F"

D.O.T.C. Police Department Reserve Detachments

Birdtail Sioux
Long Plain and Dakota Plains
Oak Lake Sioux
Roseau River
Sandy Bay
Sioux Valley
Swan Lake
Brandon (H.Q.)

Appendix "G"

Northern Community Constable Policing

Barrows
Berens River
Brochet
Camperville
Cormorant
Crane River
Cross Lake
Duck Bay
Easterville
Manigotagan & Seymourville
Moose Lake
Norway House
Pelican Rapids
South Indian Lake
Waterhen